

CLOSED, [MEDIATION](#)

U.S. District Court
Northern District of Florida (Tallahassee)
CIVIL DOCKET FOR CASE #: 4:12-cv-00066-RH-CAS

MARSHALL v. CITY OF TALLAHASSEE et al
Assigned to: JUDGE ROBERT L HINKLE
Referred to: MAGISTRATE JUDGE CHARLES A
STAMPELOS
Demand: \$15,000

Date Filed: 02/10/2012
Date Terminated: 11/19/2012
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Case in other court: LEON COUNTY CIRCUIT COURT, 12-
CA-158

Cause: 42:1983 Civil Rights Act

Date Filed	#	Docket Text
02/10/2012	1	NOTICE OF REMOVAL by MARK ADRICK, JOSEPH AZEVEDO, CITY OF TALLAHASSEE from Second Judicial Circuit Leon County, FL, case number 12-CA-158. (Filing fee \$ 350 receipt number 1129-2193250.), filed by MARK ADRICK, JOSEPH AZEVEDO, CITY OF TALLAHASSEE. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F) (HENDRIX, BILLY) (Entered: 02/10/2012)
02/10/2012	2	CIVIL COVER SHEET. (HENDRIX, BILLY) (Entered: 02/10/2012)
02/15/2012	4	INITIAL SCHEDULING ORDER. Signed by JUDGE ROBERT L HINKLE on 2/15/12. Rule 26 Meeting Report due by 3/30/2012. Discovery due by 6/12/2012. (pll) (Entered: 02/16/2012)
02/15/2012		Set Deadlines/Hearings: Fed.R.Civ.P. 7.1 Corporate Disclosure Statement Deadline set for 2/29/2012. (pll) (Entered: 02/16/2012)
02/16/2012	3	Defendants' ANSWER to Complaint by MARK ADRICK, JOSEPH AZEVEDO, CITY OF TALLAHASSEE. (HENDRIX, BILLY) (Entered: 02/16/2012)
04/02/2012	5	ADMINISTRATIVE ORDER REASSIGNING CASE. Case reassigned to MAGISTRATE JUDGE CHARLES A. STAMPELOS. MAGISTRATE JUDGE WILLIAM C. SHERRILL no longer assigned to case. Signed by CHIEF JUDGE M CASEY RODGERS on 4/2/2012. **Please use case number with new judge initials on all future filings: 4:12cv66-RH/CAS. (kjl) (Entered: 04/04/2012)
04/06/2012		ACTION REQUIRED BY DISTRICT JUDGE: Chambers of JUDGE ROBERT L HINKLE notified that action is needed Re: 4 Scheduling Order - Rule 26 Meeting Report due by 3/30/2012. **No report filed. (pll) (Entered: 04/06/2012)
04/06/2012	6	REPORT of Rule 26(f) Planning Meeting. (HENDRIX, BILLY) (Entered: 04/06/2012)

04/09/2012	7	SCHEDULING AND MEDIATION ORDER Re: 6 Report of Rule 26(f) Planning Meeting. (Discovery due by 9/24/2012. , Dispositive Motions to be filed by 10/15/2012. , Attorney/Client Notice due by 5/7/2012. , Jury Trial set for 12/3/2012 08:15 AM in U.S. Courthouse Tallahassee before JUDGE ROBERT L HINKLE., Mediation Report due by 11/5/2012.), Case referred to mediation. Signed by JUDGE ROBERT L HINKLE on 4/9/12. (pll) (Entered: 04/10/2012)
05/02/2012	8	NOTICE OF COMPLIANCE WITH APRIL 9, 2012 SCHEDULING AND MEDIATION ORDER by MARK ADRICK, JOSEPH AZEVEDO, CITY OF TALLAHASSEE re 7 Scheduling Order., Case Referred to Mediation, (HENDRIX, BILLY) (Entered: 05/02/2012)
05/07/2012	9	NOTICE of Compliance with Order by KYLE MARSHALL (MATTOX, MARIE) (Entered: 05/07/2012)
05/11/2012	10	ORDER CONFIRMING THE SCHEDULE re 7 Scheduling and Mediation Order remains in effect. Signed by JUDGE ROBERT L HINKLE on 5/11/2012. (dlt) (Entered: 05/14/2012)
05/30/2012	11	NOTICE OF MEDIATION re Scheduling by KYLE MARSHALL (MATTOX, MARIE) (Entered: 05/30/2012)
08/24/2012	12	NOTICE of Appearance by JAMES GARRITY on behalf of KYLE MARSHALL (GARRITY, JAMES) (Entered: 08/24/2012)
08/29/2012	13	NOTICE of Appearance by ROBERT AUGUSTUS HARPER, III on behalf of JOSEPH AZEVEDO (HARPER, ROBERT) (Entered: 08/29/2012)
08/29/2012	14	ORDER FOR PRETRIAL CONFERENCE. Signed by JUDGE ROBERT L HINKLE on 8/29/12. Attorney Conference to take place by 10/30/2012 . Pretrial Stipulation due by 11/13/2012 . Jury Trial set for 12/3/2012 08:15 AM in U.S. Courthouse Tallahassee before JUDGE ROBERT L HINKLE. Pretrial Conference set for 11/20/2012 03:00 PM in U.S. Courthouse Tallahassee before JUDGE ROBERT L HINKLE. (pll) (Entered: 08/30/2012)
10/04/2012	15	MEDIATION REPORT - Impasse (pll) (Entered: 10/04/2012)
10/10/2012	16	Consent MOTION For Order Dismissing Individual Defendants by KYLE MARSHALL. (GARRITY, JAMES) (Entered: 10/10/2012)
10/11/2012	17	ORDER DISMISSING THE CLAIMS AGAINST THE DEFENDANTS AZEVEDO AND ADRICK. GRANTING 16 Consent MOTION For Order Dismissing Individual Defendants . Based on Federal Rules of Civil Procedure 41(a)(1) and 54(b), all claims against the defendants Joseph Azevedo and Mark Adrick are dismissed with prejudice, without taxation of costs or attorneys fees. The case remains pending against the defendant City of Tallahassee. Signed by JUDGE ROBERT L HINKLE on 10/11/12. (pll) (Entered: 10/11/2012)
10/11/2012	18	CLERK'S JUDGMENT , entered pursuant to 17 Order. (pll) (Entered: 10/11/2012)
11/13/2012	19	NOTICE of Settlement by KYLE MARSHALL (MATTOX, MARIE) (Entered: 11/13/2012)

11/16/2012	20	NOTICE OF CANCELLATION OF HEARING: Pretrial Conference set for 11/20/2012 03:00 PM in U.S. Courthouse Tallahassee before JUDGE ROBERT L HINKLE has been cancelled. (erl) (Entered: 11/16/2012)
11/16/2012	21	ORDER FOR DISMISSAL re 19 Notice of Settlement. The clerk must enter judgment stating, The parties are ordered to comply with their settlement agreement. The court reserves jurisdiction to enforce the order to comply with the settlement agreement. All claims in this case are voluntarily dismissed with prejudice under Federal Rule of Civil Procedure 41. Signed by JUDGE ROBERT L HINKLE on 11/16/12. (pll) (Entered: 11/19/2012)
11/19/2012	22	CLERK'S JUDGMENT, entered pursuant to 21 Order. (pll) (Entered: 11/19/2012)

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT IN AND
FOR LEON COUNTY, FLORIDA

KYLE MARSHALL,

Plaintiff,

v.

CITY OF TALLAHASSEE,
JOSEPH AZEVEDO, individually
and MARK ADRICK, individually,

Defendants.

CASE NO. 12-CA-158
FLA BAR NO. 0739685

FILED
12 JAN 19 PM 5:50
SOB HIZER
CLERK CIRCUIT COURT
LEON COUNTY, FLORIDA

COMPLAINT

Plaintiff, KYLE MARSHALL, hereby sues Defendants, CITY OF TALLAHASSEE,
JOSEPH AZEVEDO, individually, and MARK ADRICK, individually, and alleges:

JURISDICTIONAL ALLEGATION

1. This is an action for damages in excess of Fifteen Thousand Dollars (\$15,000),
brought under 42 U.S.C. sections 1983 and 1988, and under Florida common law.

PARTIES

2. At all times pertinent hereto, Plaintiff KYLE MARSHALL has been a resident of
Leon County, Florida, and is over eighteen (18) years of age. He is thus *sui juris*.

3. At all times pertinent hereto, Defendant CITY OF TALLAHASSEE ("the CITY")
operated a law enforcement department known as the Tallahassee Police Department ("TPD")
within the jurisdictional boundaries of this court, and has committed tortious acts within Florida
and within the jurisdiction of this court.



02/10/12

4. At all times pertinent hereto, Defendant JOSEPH AZEVEDO, individually, was a law enforcement officer in the TPD employed by the CITY. He has committed tortious acts within Florida and within the jurisdiction of this court.

5. At all times pertinent hereto, Defendant MARK ADRICK, individually (collectively with AZEVEDO, "the INDIVIDUAL DEFENDANTS"), was a law enforcement officer in the TPD employed by the CITY. He has committed tortious acts within Florida and within the jurisdiction of this court.

ULTIMATE FACTS

6. On or about July 10 2009, allegedly, TPD received a telephone communication from Summer Calderone, Plaintiff's former girlfriend, in which she informed that Plaintiff intended to cause harm to an animal belonging to her. Calderone's communication was fabricated and false.

7. In response to the call, TPD dispatched the INDIVIDUAL DEFENDANTS to Plaintiff's residence.

8. When the INDIVIDUAL DEFENDANTS arrived at Plaintiff's residence, Plaintiff was home alone, along with his dog named Smitty. Smitty was a gentle, passive, and non-aggressive animal, with no history of attacking, biting or evidencing other belligerence.

9. As is frequently the case with pet dogs, the presence of new and unknown persons tended to excite Smitty, in a thoroughly friendly manner, such that he would sometimes jump up on, lick or otherwise playfully interact with such persons.

10. Upon arriving at Plaintiff's residence, the INDIVIDUAL DEFENDANTS searched the exterior property for Calderone's animal for a period of time, during some of which

period they interacted with Plaintiff outside of the house. Then, the INDIVIDUAL DEFENDANTS knocked on the door to Plaintiff's residence for several minutes, in an effort to speak with him further. Such knocking having peaked Smitty's excitement and curiosity, when Plaintiff opened the door Smitty managed to exit the residence before Plaintiff could stop him.

11. As Smitty playfully and non-threateningly approached ADRICK, with no provocation whatsoever ADRICK kicked him. When Plaintiff was unable to immediately gain control of Smitty, also without any provocation whatsoever, AZEVEDO drew his .40 caliber gun and shot Smitty through the chest and lung. As a result of that shooting, Smitty died.

12. Plaintiff has retained the undersigned to represent his interests in this matter, and is obligated to pay a fee for such services. Defendants should be made to pay said fee under applicable statutes and laws.

**COUNT I-INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS (the INDIVIDUAL DEFENDANTS)**

13. Plaintiff realleges Paragraphs 1-12 above in support of this count.

14. This is an action against the INDIVIDUAL DEFENDANTS for intentional infliction of emotional distress based on the conduct described herein, including the victimization of Plaintiff.

15. The INDIVIDUAL DEFENDANTS, despite their legal obligations to Plaintiff, maliciously and intentionally kicked and then killed Plaintiff's dog. The INDIVIDUAL DEFENDANTS knew or should have known that there existed no reason or cause whatsoever to abuse, kick, and kill Plaintiff's dog.

16. The INDIVIDUAL DEFENDANTS' actions in kicking and shooting the dog were outrageous and such conduct would shock the conscience of a reasonable person, and constituted the actionable tort of intentional infliction of emotional distress.

17. The INDIVIDUAL DEFENDANTS' actions were reckless and/or intentional, and they knew or should have known that as a result of their actions, Plaintiff's severe emotional distress would likely result.

18. As a direct and proximate result of the above unlawful acts and omissions, Plaintiff sustained economic damages, including lost income, sustained emotional pain, anguish, humiliation, insult, indignity, loss of self-esteem, inconvenience, and hurt, and is therefore entitled to compensatory damages.

**COUNT II-TRESPASS TO CHATTEL and
CONVERSION (the INDIVIDUAL DEFENDANTS)**

19. Plaintiff realleges Paragraphs 1-12 above in support of this count.

20. The INDIVIDUAL DEFENDANTS intentionally and without cause approached, caused contact with, damaged, and caused the destruction of Plaintiff's dog, which was Plaintiff's chattel under the law.

21. By kicking the animal, ADRICK deliberately caused an interference with the ownership and control of Plaintiff's dog and moreover, the contact with the animal showed full intention to intermeddle between Plaintiff and his dog.

22. Further, by shooting the animal, AZEVEDO also deliberately caused an interference with the ownership and control of Plaintiff's dog, and such shooting likewise showed full intention to intermeddle.

23. AZEVEDO's shooting of the dog led directly to its destruction, permanently interfering with Plaintiff's rights of ownership and control.

24. These actions of the INDIVIDUAL DEFENDANTS were done intentionally, deliberately, maliciously, and in the absence of any just cause or reason.

25. Plaintiff sustained economic damages, sustained emotional pain, anguish, humiliation, insult, indignity, loss of self-esteem, inconvenience and hurt, and is therefore entitled to compensatory damages.

COUNT III-VIOLATION OF FOURTH AMENDMENT (all Defendants)

26. Plaintiff realleges Paragraphs 1-12 above in support of this count.

27. Defendants effected an unlawful seizure of Plaintiff's property and/or effects as described more fully above, without consent or lawful authority.

28. Defendants intended to damage Plaintiff in that their harmful acts were deliberate and substantially certain to result in injury and harm.

29. Defendants acted to violate Plaintiff's right not to be subjected to the unlawful seizure of property and/or effects under the Fourth Amendment to the United States Constitution. These violations were of a type and character as to which any reasonable person would be aware.

30. Defendants further acted to violate Plaintiff's civil rights as protected by 42 U.S.C. section 1983. All Defendants are persons under applicable law. Defendants are liable, jointly and/or severally, to Plaintiff for their conduct, individually and in concert, in violating the civil rights of Plaintiff under the Fourth Amendment to the United States Constitution.

31. Defendants misused their power, possessed by virtue of state law and made possible only because of the authority of state law. The violation of Plaintiff's rights, as

described above, occurred under color of state law and is actionable under 42 U.S.C. section 1983.

32. The foregoing actions of the Defendants were wilful, wanton, and in reckless disregard of Plaintiff's rights, and were taken without any lawful justification and/or in the absence of probable cause.

33. The unlawful seizure of property and/or effects by law enforcement officers of this state is not part of the penalty that citizens have to pay prior to, during, and/or after being charged with a criminal offense, and constitutes a cognizable claim in violation of the Fourth Amendment.

34. Defendants knew or should have known that their actions against Plaintiff were excessive given the clearly established law on use and seizure of property and/or effects.

35. Based upon the facts presented to Defendants and the applicable law, no reasonable law enforcement officer or department could have concluded that there existed any reasonable cause to seize Plaintiff's property and/or effects. The law was settled and clearly established that the actions of Defendants constituted unlawful seizure under the Fourth Amendment at the time the acts were committed.

36. The actions or inactions of Defendants, as set forth in part above, constituted deliberate indifference and/or reckless disregard for Plaintiff when Defendants knew of and disregarded Plaintiff's property rights, and thus their actions or inactions constituted unlawful seizure in violation of the Fourth Amendment.

37. Defendants were acting under color of state law at all times pertinent hereto. The brutal shooting and killing of Plaintiff's dog violated the Fourth Amendment's proscription

against unlawful seizure of property and/or effects. Defendants misused their power, possessed by virtue of state law and made possible only because of the authority of state law. The violations of Plaintiff's rights, as described above, occurred under color of state law and is actionable under 42 U.S.C. section 1983.

38. In addition to the liability of the INDIVIDUAL DEFENDANTS under this count, the CITY is liable to Plaintiff hereunder due to the deliberate indifference of its employee officers, its ratification of their actions, and its failure to adequately train and supervise the INDIVIDUAL DEFENDANTS so as to prevent harm to Plaintiff.

39. The foregoing actions and/or inactions of Defendants were wilful, wanton, and in reckless disregard of Plaintiff's rights.

40. As a direct and proximate result of Defendants' actions in violation of the Fourth Amendment, Plaintiff has been damaged, which damages include: grave mental anguish, pain and suffering, loss of capacity to enjoy life, embarrassment, humiliation, and the loss of other emoluments. These damages have occurred in the past, are occurring at present, and will most likely occur in the future. Defendants are jointly and/or severally liable to Plaintiff for the unlawful conduct alleged herein.

41. Plaintiff is entitled to an award of punitive damages against the INDIVIDUAL DEFENDANTS under this count.

COUNT IV-NEGLIGENT SUPERVISION AND TRAINING (the CITY)

42. Plaintiff realleges Paragraphs 1-12 above in support of this count.

43. This is an action against the CITY for negligent supervision and training.

44. The CITY breached its duty to supervise the INDIVIDUAL DEFENDANTS, to

prevent and to stop their actions constituting violations of Plaintiff's rights under Florida and federal law.

45. The CITY knew or should have known of the actions, omissions, and derelictions of the INDIVIDUAL DEFENDANTS, and/or of its failure to properly train its officers in the need to maintain professional standards in the custody, control, and interaction with citizens and their property and/or effects.

46. The CITY breached its duty to supervise and train the INDIVIDUAL DEFENDANTS.

47. As a direct and proximate result of the above unlawful acts and omissions, Plaintiff sustained economic damages, including lost income, sustained emotional pain, anguish, humiliation, insult, indignity, loss of self-esteem, inconvenience, and hurt, and is therefore entitled to compensatory damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following:

- (a) that process issue and this court take jurisdiction over this case;
- (b) that this court grant equitable relief against Defendants under the applicable counts set forth above, mandating Defendants' obedience to the laws enumerated herein and providing other equitable relief to Plaintiff;
- © that this court enter judgment against Defendants and for Plaintiff awarding compensatory damages from all Defendants and punitive damages to Plaintiff from the Individual Defendants for Defendants' violations, as provided by law;
- (d) that this court enter judgment against Defendants and for Plaintiff permanently

enjoining Defendants from future violations of the state and federal laws enumerated herein;

(e) that this court enter judgment against Defendants and for Plaintiff awarding Plaintiff costs, attorney's fees (under Count III only), and interest as provided by law; and

(f) that this court grant such other and further relief as is just and proper under the circumstances.

JURY TRIAL DEMAND

Plaintiff hereby demands a trial by jury on all issues herein that are so triable.

DATED this 18th day of January, 2012.

Respectfully submitted,



Marie A. Mattox [FBN 0739685]
MARIE A. MATTOX, P.A.
310 East Bradford Rd.
Tallahassee, FL 32303
Telephone: 850-383-4800
Facsimile: 850-383-4801

ATTORNEYS FOR PLAINTIFF

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

KYLE MARSHALL

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Marie A. Mattox, Marie A. Mattox, P.A. (850) 383-4800
310 E. Bradford Rd., Tallahassee, FL 32303

DEFENDANTS

CITY OF TALLASSEE, JOSEPH AZEVEDO, individually and MARK ADRICK, individually

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Billy J. Hendrix, City Attorney's Office, (850) 891-8554
300 S. Adams Street, Box A-5, Tallahassee, FL 32301

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. §1983 and 1988

Brief description of cause:

Intentional infliction of Emotional Distress

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

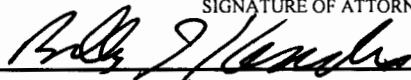
JUDGE

DOCKET NUMBER

DATE

02/10/2012

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____